

**UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO
SENTENCING MINUTE SHEET**

CR No: 19-2180 WJ	USA vs.: Tom		
Date: April 7, 2021	Name of Deft: Tavor Tom		

Before the Honorable: Chief District Judge William P. Johnson

Time In/Out:	2:17pm – 3:00 pm			Total Time in Court (for JS10):			43 minutes		
Clerk:	R. Garcia			Court Reporter:			M. Loughran		
AUSA:	Joseph Spindle			Defendant's Counsel:			James C Loonam		
Sentencing in:	Albuquerque, NM			Interpreter:			N/A		
Probation Officer:	George Rodriguez			Interpreter Sworn?			Yes		No
Convicted on:	<input checked="" type="checkbox"/>	Plea		Verdict	As to:		Information	<input checked="" type="checkbox"/>	Indictment
If Plea:	<input checked="" type="checkbox"/>	Accepted		Not Accepted	Adjudged/Found Guilty on Counts:				
If Plea Agreement:	<input checked="" type="checkbox"/>	Accepted		Not Accepted	No Plea Agreement		Comments:		
Date of Plea/Verdict:	11/24/2020		PSR:	<input checked="" type="checkbox"/>	Not Disputed		Disputed	<input checked="" type="checkbox"/>	Courts adopts PSR Findings
Evidentiary Hrg:	<input checked="" type="checkbox"/>	Not Needed		Needed	Exceptions to PSR:				
SENTENCE IMPOSED			Imprisonment (BOP):			180 months			
Supervised Release:		3 years						Probation:	
REC	<input checked="" type="checkbox"/>	Strongly recommends 500-Hour Drug Program		BOP Sex Offender Program			Other:		
ICE		Court recommends ICE begin removal proceedings immediately or during service of sentence							ICE not applicable

SPECIAL CONDITIONS OF SUPERVISION

No re-entry without legal authorization	Home confinement for months days
Comply with ICE laws and regulation	Community service for months days
X Submit to substance abuse testing not to exceed 60 test per year.	Reside halfway house months days
X Participate in/successfully complete mental health program	Register as sex offender
X Must not use/possess alcohol and submit to no more than 4 tests a day	Participate in sex offender treatment program
X Submit to search of person/property	Possess no sexual material
No contact with victim(s) and/or co-defendant(s)	No computer with access to online services
No entering or loitering near victim's residence	No contact with children under 18 years
Provide financial information	No volunteering where children supervised
Grant limited waiver of confidentiality	Restricted from occupation with access to children
X Must not knowingly use or possession of synthetic cannabinoids, etc.	No loitering within 100 feet of school yards
No possession of a firearm, ammunition, destructive device or any other dangerous weapon	Participate in an educational or vocational program approved by the Probation Officer

1. Deft must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program
2. Deft shall waive your right of confidentiality and allow the treatment substance abuse and mental health providers to release treatment records to the probation officer and sign all necessary releases to enable the probation officer to monitor your progress
3. Deft must reside in a residential reentry center for a term of (up to) 6 months.

OTHER:				Pursuant to the Mandatory Victim Restitution Act, it is further ordered that the defendant will make restitution to Erik Benally in the amount of \$4,077.78; State Farm in the amount of \$11,522.28; and the New Mexico Crime Victim's Reparation Commission in the amount of \$6,000.00; restitution shall be paid in months 200 or 10%
Fine: \$	0.00 (restitution and halfway house imposed)		Restitution: \$	

				of monthly income; Court waives interest.		
SPA: \$	100.00	Payment Schedule:	<input checked="" type="checkbox"/> X	Due Immediately		Waived
OTHER:						
	Advised of Right to Appeal	<input checked="" type="checkbox"/> X	Waived Appeal Rights per Plea Agreement			
<input checked="" type="checkbox"/> X	Held in Custody		Voluntary Surrender			
<input checked="" type="checkbox"/> X	Recommended place(s) of incarceration: FCI facility in Arizona; preferably Tucson, AZ.					
Dismissed Counts:						
<p>The Court notes the Defendant waives his personal appearance and finds this video hearing to be in the interest of justice and public safety.</p> <p>Mr. Loonam advises PSR reviewed with client; no objections/corrections.</p> <p>Mr. Spindle notes victim's family members are present by Zoom and would like to address the Court.</p> <p>Victim's family member addresses the Court.</p> <p>Mr. Spindle addresses the Court; recommends a high end of the guideline range sentence.</p> <p>Mr. Loonam addresses the Court; argues for variance to a term of 7 years.</p> <p>Defendant addresses the Court.</p> <p>Mr. Spindle responds.</p> <p>Mr. Loonam replies.</p> <p>The Court recites 3553 factors and finds a sentence that is sufficient, but not greater than necessary, is a sentence within the sentencing guideline range; imposes a term of 180 months</p>						
OTHER COMMENTS:						